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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,838	11/01/2000	Ronald E. Sloan	60021.375901	4308

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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,838

Applicant(s)

SLOAN ET AL.

Examiner

Kirsten S. Apple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/13/05</u> | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/28/2005 has been entered.

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant. The examiner rejects as final claims 1-25 under 35 USC 103.

The Applicant attention is re-drawn to the following:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being obvious over Wolfberg et al. (US Patent No. 5,214,579), in view of Sullivan et al. (US Patent No. 6,615, 240), and Ferry et al. (US Patent No. 6,069,628).

Claims 1, 9, 10, and 18:

Wolfberg discloses a method, a system, and a computer program embodied on a computer readable medium for providing a graphical user interface to a financial modeling system allowing advice through projections (Col. 3, line 63-col. 4, line 10,

col. 10, lines 40-55, col. 11, lines 27-29, col. 12, lines 38-49, col. 16, lines 4-41, col. 19, lines 24-35, col. 29, lines 18-38, col. 30, lines 3-44) and trends (Col. 23, lines 37-54) of a financial system (Col. 4, line 9-col. 5, line 11) based on a network architecture (Col. 7, line 53-col. 8, line 9), which determine the expectations (Col. 17, line 65-col. 18, line 20) and impact (Col. 1, line 55-col. 2, line 12, col. 2, line 42) of investment decisions with a plurality of selectable service levels (Fig. 3B, item 130). Wolfberg does not exclude that his invention could be used to give advice, as a help-system for the investors, but he does not explicitly disclose this possibility of use.

Sullivan discloses an Internet-based system (Col. 1, line 18-col. 2, line 4, col. 4, lines 57-62, col. 5, lines 5-38, col. 13, lines 36-51, col. 14, lines 22-23) that support both live advice (or live help, Abstract, col. 3, lines 36-62, col. 4, line 63-col. 5, line 4, col. 6, lines 20-63, col. 7, lines 12-28, col. 8, lines 9-22, col. 10, line 22-col. 12, line 12, col. 13, line 56-col. 14, line 63, col. 15, line 1-col. 16, line 67, col. 17, line 8-col. 18, line 10) and automated coaching (Abstract, col. 6, lines 39-50, col. 12, lines 39-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the Wolfberg invention was made to use it for a live advice and automated coaching as disclosed by Sullivan. One would have been motivated to use for live advice and automated coaching the Wolfberg invention in order to maximize its applications, and consequently, the revenues that result from its use.

The Wolfberg-Sullivan invention does not explicitly disclose providing a first window for displaying an image of said live advisor; and providing a second window for displaying context sensitive automated coaching. Ferry discloses a system which

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provides financial system services (Col. 4, lines 23-64) using a first window (Col. 2, lines 23-55, col. 14, lines 50-67, col. 16, lines 21-39) and a second window (Col. 2, lines 28-49, col. 14, lines 50-67, col. 16, lines 2139). Therefore, it would have been obvious to one having ordinary skill in the art at the time the Wolfberg-Sullivan invention was made to use this step as disclosed by Ferry. One would have been motivated to use this step in the Wolfberg-Sullivan invention in order to facilitate the search of advice for the user.

The Wolfberg-Sullivan-Ferry invention does not explicitly disclose providing a plurality of icons for selecting at least one of a plurality of methods for communicating with a live advisor over the Internet. The examiner takes Official notice that this feature is old and well-known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

Claims 2, 11, and 19: Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Wolfberg discloses a network architecture (see Claim 1 above) which could be also the Internet network. Sullivan explicitly discloses Internet (see Claim 1 above), and it is well known that the Internet network is a plurality of methods for communication that includes email, electronic chat, live streaming audio, voice over the network, telephone, still picture, and streaming live video. Therefore, it would have been obvious to one having ordinary skill in the art at the time the Wolfberg invention to use this step. One would have been motivated to use this step in the in order to increase the possibilities of communication for the user.

Claims 3, 12 and 20: Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Wolfberg also discloses an user interface that includes providing one interactive window for displaying a financial model generated by the financial modeling system (Fig 9C).

Claims 4, 13, and 21: Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 3, 12, and 20. Wolfberg, Sullivan, and Ferry do not explicitly disclose that the user interface includes a plurality of function icons for performing various operations on said generated financial model. The examiner takes Official notice that this feature is old and well-known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

Claims 5, 14, and 22: Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 4, 13, and 21. Wolfberg, Sullivan, and Ferry do not explicitly disclose that the function icons include providing at least one of transact, monitor, model, explore, track. The examiner takes Official notice that this feature is old and well-known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

Claims 6, 15, and 23: Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 3, 12, and 20. Wolfberg also discloses that the user interface includes at least one dynamic window for displaying characteristics related to the generated financial model (Fig. 9C, 10A, 10B, and 10 C).

Claims 7, 16, and 24: Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Sullivan discloses a Financial system service Internet-based the wherein said user interface that includes providing at least one interactive window for displaying help messages related to using the financial modeling system, as is used in many automated coaching systems (see discussion on Claim 1 above).

Claims 8, 17, and 25: Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Wolfberg, Sullivan, and Ferry does not explicitly disclose wherein said user interface further includes providing at least one profile icon for performing various operations on a user profile based on user information. The examiner takes Official notice that this feature is old and well known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

Response to Arguments

Applicant's arguments filed June 17, 2005 have been fully considered but they are not persuasive.

In particular, and respect to Claims the Applicant argued

"the claims have been amended to include features not shown or suggested in the reference" including

1st feature of "providing a plurality of selectable service levels wherein each service level includes a unique combination of available portfolio modeling and coaching," "plurality of icons for selecting at least one of the plurality of methods for

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coaching” and “context sensitive automated coaching” “based on” or “related to the selected service level.”

The Examiner refutes the argument made by the Applicant and draws the attention to Wolfberg Fig. 3B, item 130.


Contact Details

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571.272.6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa


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